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Atty Docket No. 02307K-141314US

OFFICIAL

PTO FAX NO.: 1-703-872-9306

ATTENTION: Examiner Thaian N. Ton  
TELEPHONE NO.:

Group Art Unit 1632

**OFFICIAL COMMUNICATION**  
**FOR THE PERSONAL ATTENTION OF**  
**EXAMINER Ton**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

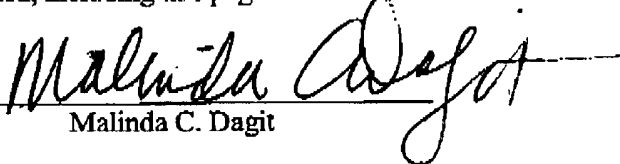
I hereby certify that the following documents in re Application of Sawyers *et al.*, Application No.10/066,266, filed January 30, 2002 for METHODS OF ASSESSING THE EFFECT OF A GENE OF INTEREST ON HUMAN PROSTATE CANCER PROGRESSION is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Document(s) Attached

1. Response to Restriction Requirement
2. copy of Revocation of Power of Attorney with New Power and Change of Correspondence Address already filed in this case

Number of pages being transmitted, including this page: 5

Dated: April 9, 2004

  
Malinda C. Dagit

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RETURN FACSIMILE AT (415) 576-0300**

TOWNSEND and TOWNSEND and CREW LLP  
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San Francisco, CA 94111-3834  
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PATENT  
Attorney Docket no. 02307K-1413-14US  
Client ref. no. 96-540-6

TOWNSEND and TOWNSEND and CREW LLP

By: Melinda C. Davis

OFFICIAL

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Sawyers *et al.*

Application No.: 10/066,266

Filed: January 30, 2002

For: METHODS OF ASSESSING THE  
EFFECT OF A GENE OF INTEREST  
ON HUMAN PROSTATE CANCER  
PROGRESSION

Customer No.: 20350

Confirmation No. 5616

Examiner: Thaian N. Ton

Art Unit: 1632

RESPONSE TO RESTRICTION  
REQUIREMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed March 9, 2004, Applicants elect Group I, claims 21-26, drawn to method for determining whether a gene of interest has an effect on the progression of human prostate cancer using an immune deficient mouse.

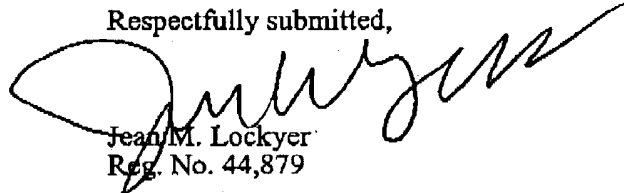
According to the MPEP, where claims can be examined together without undue burden, the Examiner must examine the claims on the merits even though they are directed to independent and distinct inventions. See, the MPEP at 803.01. In establishing that an "undue burden" would exist for co-examination of claims, the Examiner must show that examination of the claims would involve substantially different prior art searches, making the co-examination burdensome. Applicants respectfully submit that as the inventions in the three Groups are related, examination of the three groups together would not create an undue burden. Applicants therefore respectfully request withdrawal of the restriction requirement.

Applicant: Sawyers *et al.*  
Application No.: 10/066,266  
Page 2

PATENT

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,



Jean M. Lockyer  
Reg. No. 44,879

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